

AMENDED IN ASSEMBLY JUNE 14, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 62

Introduced by Senator Price

January 8, 2013

An act to amend Section 802.5 of the Business and Professions Code, relating to coroners.

LEGISLATIVE COUNSEL'S DIGEST

SB 62, as amended, Price. Coroners: reporting requirements: prescription drug use.

Existing law requires a coroner to make a report, as specified, when he or she receives information that indicates that a death may be the result of a physician and surgeon's, podiatrist's, or physician assistant's gross negligence or incompetence. Existing law requires the report to be followed, within 90 days, by copies of the coroner's report, autopsy protocol, and all other relevant information.

This bill would ~~expand those provisions to require the coroner's report and other information to follow the report within 90 days or as soon as possible once the coroner's final report of investigation is complete. The bill would additionally require a coroner to make file a report with the Medical Board of California when he or she receives information that indicates that a contributing factor in a~~ the cause of death is ~~related to the toxicity from due to a Schedule II, III, or IV drug, and to require the coroner to additionally file the report with the Medical Board of California. The bill would also extend the time during which the coroner's report and other information may follow the report to as~~

~~soon as possible once the coroner's final report of investigation is complete~~ *drug*. By increasing the duties of county officers, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 802.5 of the Business and Professions
2 Code is amended to read:
3 802.5. (a) When a coroner receives information that is based
4 on findings that were reached by, or documented and approved
5 by, a board-certified or California licensed pathologist indicating
6 that a death may be the result of a physician and surgeon's,
7 podiatrist's, or physician assistant's gross negligence or
8 incompetence, a report shall be filed with the Medical Board of
9 California, the Osteopathic Medical Board of California, the
10 California Board of Podiatric Medicine, or the Physician Assistant
11 Board. The initial report shall include the name of the decedent,
12 date and place of death, attending physicians, podiatrists, or
13 physician assistants, and all other relevant information available.
14 The initial report shall be followed, within 90 days or as soon as
15 possible once the coroner's final report of investigation is complete,
16 by copies of the coroner's report, autopsy protocol, and all other
17 relevant information.
18 (b) A report required by this section shall be confidential. No
19 coroner, physician and surgeon, or medical examiner, nor any
20 authorized agent, shall be liable for damages in any civil action as
21 a result of his or her acting in compliance with this section. No
22 board-certified or California licensed pathologist, nor any
23 authorized agent, shall be liable for damages in any civil action as
24 a result of his or her providing information under subdivision (a)
25 or (c).

1 (c) When a coroner receives information that is based on
2 findings that were reached by, or documented and approved by, a
3 board-certified or California licensed pathologist indicating that
4 ~~a contributing factor in the cause of death is related to toxicity~~
5 ~~from~~ *due to* a Schedule II, III, or IV drug, a report shall be filed
6 with the Medical Board of California. The initial report shall
7 include, when known, the name of the decedent, date and place of
8 death, attending physicians, podiatrists, or physician assistants,
9 and all other relevant information, including, but not limited to,
10 any information available to identify the prescription drugs,
11 prescribing physicians, and dispensing pharmacy. The initial report
12 shall be followed, within 90 days or as soon as possible once the
13 coroner's final report of investigation is complete, by copies of
14 the coroner's report, autopsy protocol, and all other relevant
15 information.

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.